

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, 13th December 1923.

The House met at 11 o'clock, the President (the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E.) in the Chair.

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No. 15—*

- (1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.
- (2) The questions and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, specify the serial numbers of his questions and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

BANK.

The Imperial Bank fraud case.

29 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) the circumstances, in full, under which Mr. Nugent Grant was permitted by the Government to assist the hon. the Advocate-General in the conduct of the Imperial Bank fraud case;

(b) whether the Crown Prosecutor was consulted in the matter, and if so, what his opinion was; and

(c) whether there is any precedent in Madras for an Advocate paid by a private party being allowed to assist the conduct of the case for the Crown?

A.—(a) In view of the complexity and importance of the case and the various interests involved the Government, whilst entrusting the conduct of the case to the Advocate-General, considered that he should have the assistance of other counsel who had assisted in the preparation of the case and was fully cognisant with the facts thereof.

(b) No.

(c) No.

Mr. S. SATYAMURTI:—"May I ask, Sir, a supplementary question whether the hon. the Law Member will be so good as to say whether the Crown Prosecutor's duties do not include appearing for the Crown in such cases and whether he is not paid for that purpose?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, the Crown Prosecutor's duties, strictly speaking, are confined to the Sessions, but normally he appears in the Magistrates' Courts also. He was asked to appear, but he declined to appear for reasons more or less personal to him."

Mr. S. SATYAMURTI:—"May I ask the hon. the Law Member to be so good as to state the reasons why a public officer refused to do a public duty which his predecessors and he have been normally doing?"

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I require notice of that, Sir ; and if a question is put in the proper form, a statement will be made."

Mr. S. SATYAMURTI :—" May I know, Sir, whether the hon. the Law Member thinks it is consistent with the statutory power vested in the hon. the Advocate-General, to enter a *nolle prosequi* in a Sessions case of this kind when it comes before the High Court, and also with the statutory power vested in him to grant a certificate for further consideration of points of law in Sessions cases and consistent with the interests of justice that a statutory officer of that position should be asked to conduct what is practically a private prosecution, although it is called a Crown case ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There are delicate problems arising out of that situation in which the Advocate-General finds himself placed. But the uniform practice of every High Court in India is that in every heavy Sessions case the Advocate-General by right appears. It was after consulting those precedents that the hon. the Advocate-General was asked to conduct this very heavy case."

ESTATES LAND ACT.

Revision of the Madras Estates Land Act.

30 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU : Will the hon. the Law Member be pleased to state—

- (i) whether the Madras Estates Land Act was taken up for revision during the last term of the Council and, if so, when ;
- (ii) whether a committee was appointed to consider about amendments to the Madras Estates Land Act, and, if so, when ;
- (iii) when the committee began and concluded its sittings ;
- (iv) whether the committee submitted its report to the Government, and if so, when ; and
- (v) what action, if any, has been taken by the Government on that report ?

A.—(i) Yes, in March 1921.

(ii), (iii) & (iv) An informal committee of non-officials representing various interests was convened in October 1922 to consider a Bill drafted by Government. It held its sittings from the 4th October 1922 to the 23rd October 1922. The minutes recorded at their sittings were communicated to Government by the end of October 1922.

(v) Their recommendations were duly considered by the Government and the Bill has been revised which is now under the consideration of Government.

HIGH COURT.

Official Referee of the Madras High Court.

31 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state the number of cases disposed of by the Official Referee of the Madras High Court for the last six months ?

A.—The High Court has been asked to furnish the figures.